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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

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BRIAN K. GROFF, :
: ;
Plaintiff, :
: ; Civil Action No. 7:16-CV-1452
v. : (ATB)
: ;
: ;
NANCY A. BERRYHILL, :
Acting Commissioner of Social Security, :
: ;
Defendant. :
-----x

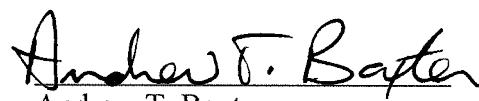
**JOINT STIPULATION AND
ORDER FOR REMAND
PURSUANT TO SENTENCE
FOUR OF 42 U.S.C. § 405(g)**

IT IS HEREBY STIPULATED by and between Heetano Shamsoondar, Special Assistant United States Attorney, for Grant C. Jaquith, Acting United States Attorney for the Northern District of New York, attorneys for the defendant herein, and Lawrence D. Hasseler, Esq., Plaintiff's attorney, that the final decision of the Commissioner be reversed and the above-captioned action be remanded to the Acting Commissioner of Social Security for further administrative proceedings pursuant to the fourth sentence of 42 U.S.C. § 405(g), including a new hearing, should it be necessary (*i.e.*, should the Appeals Council remand this case to an ALJ

for further proceedings, the ALJ will offer the claimant an opportunity for a *de novo* hearing and a new decision).

IT IS on this 30th day of October, 2017;

ORDERED that the final decision of the Commissioner be and hereby is REVERSED, and the matter is REMANDED to the Defendant pursuant to sentence four of 42 U.S.C. § 405(g), for the further administrative action set forth above, and it is further ORDERED that the within matter, be and hereby is, DISMISSED in accord with the decision in *Melkonyan v. Sullivan*, 501 U.S. 89 (1991).



Andrew T. Baxter
United States Magistrate Judge

The undersigned hereby consent to the form and entry of the within order.

GRANT C. JAQUITH
Acting United States Attorney

LAWRENCE D. HASSELER
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By: /s/ Heetano Shamsoondar
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